

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR.

ORDER

Nand Lal & Anr. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 1130/2006
for quashing the FIR No. 217/2005, Police
Station, Chanderiya, district Chittorgarh.

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Date of Order: November 07, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Dr. Sachin Acharya, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. Sanjay Nahar, for the non-petitioner No.2.

BY THE COURT:

By the instant criminal miscellaneous petition under
Section 482 Cr.P.C., the petitioners seek quashing of F.I.R. No.
217/2005 dated 01-8-2005 of Police Station, Chanderiya, district
Chittorgarh for the offences under Sections 467, 468, 471, 420
and 120-B, IPC.

I have heard learned counsel for the petitioners,
Public Prosecutor for the State and the counsel for complainant
Munne Khan.

On a report lodged by non-petitioner No.2 Munne
Khan, the FIR was registered and the matter is at the
investigation stage. During investigation, the parties submitted

an application for compromising the matter realizing the mistake of lodging the report and compromised the matter.

Petitioner No.2 Durgesh and non-petitioner No.2 Munne Khan are present in the Court. Complainant/non-petitioner No.2 Munne Khan has filed the compromise before this Court. He has been identified by his counsel Mr. Sanjay Nahar. On being asked, the complainant states that under misconception, the report was lodged against the petitioners; however, subsequently the misunderstanding between the parties cleared. The crusher plaint, which is the subject-matter of dispute in the instant case was transferred in favour of the petitioners by the District Collector, Chittorgarh, to which the complainant/non-petitioner No.2 Munne Khan agrees that the District Collector has rightly transferred the crusher in favour of the petitioners and the complainant/non-petitioner No.2 agrees for such transfer.

The order of the District Collector was challenged by the complainant/non-petitioner No.2 before the Revenue Appellate Authority by way of filing Appeal No.35/2005; however, before the Revenue Appellate Authority, the parties filed a compromise and the appeal filed by the complainant/non-petitioner No.2 was dismissed as withdrawn and, therefore, the order of the District Collector transferring the crusher in favour of the petitioners was maintained.

The complainant/non-petitioner No.2 submits that the dispute between the parties has been amicably settled and he does not wish to pursue the FIR lodged by him against the petitioners.

Keeping in view the statement of the complainant/non-petitioner No.2, as also the compromise filed by him before this Court stating the facts noticed above, supported by an affidavit of the complainant, as also that of the petitioner No.2, in my view, no useful purpose would be served in allowing the FIR and the investigation thereunder to continue because in the instant case, no evidence is likely to come against the petitioners. Therefore, in order to secure the ends of justice, the FIR lodged against the petitioners deserves to be quashed.

In the result, the criminal miscellaneous petition is allowed. FIR No.217/2005 dated 01-8-2005 of Police Station, Chanderiya, district Chittorgarh, lodged against the petitioners by the complainant/non-petitioner No.2 stands quashed. S.B. Criminal Misc. Application No. 663/2006 for compromising the matter stands disposed of.

(H.R. PANWAR), J.